



# Indian River County Florida

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
[www.ircgov.com](http://www.ircgov.com)

## Meeting Minutes - Final

### Board of County Commissioners

*Chairman, Joseph E. Flescher, District 2*  
*Vice Chairman, Peter D. O'Bryan, District 4*  
*Commissioner Susan Adams, District 1*  
*Commissioner Joseph H. Earman, District 3*  
*Commissioner Laura Moss, District 5*

Jason E. Brown, County Administrator  
Dylan Reingold, County Attorney  
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

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Tuesday, November 17, 2020

9:00 AM

Commission Chambers

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**This meeting can be attended virtually via Zoom. Instructions can be found with this agenda and also online at [www.ircgov.com](http://www.ircgov.com).**

#### 1. CALL TO ORDER

**Present:** 5 - Chairman Joseph Flescher  
Vice Chairman Peter O'Bryan  
Commissioner Susan Adams  
Commissioner Joe Earman  
Commissioner Laura Moss

#### 2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

#### 2.B. INVOCATION

**Pastor Jeremy Rebman, First United Methodist**

#### 3. PLEDGE OF ALLEGIANCE

**Dylan Reingold, County Attorney**

#### 3.A. OATH OF OFFICE BOARD OF COUNTY COMMISSIONERS

Commissioners Susan Adams, Joseph Earman, and Laura Moss were sworn in by the Honorable David C. Morgan, County Judge, Nineteenth Judicial Circuit Court of Florida.

**No Action Taken or Required**

**3.B. ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN**

County Attorney Dylan Reingold opened the floor for nominations for the seat of Chairman of the Indian River County Board of County Commissioners.

Vice Chairman Joseph Flescher was nominated by Commissioner O'Bryan for Chairman of the Board. There were no further nominations.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Adams, to close the floor for nominations for Chairman of the Indian River County Board of County Commissioners. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Earman, to elect Vice Chairman Flescher as Chairman of the Indian River County Board of County Commissioners. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**3.C. ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN**

County Attorney Dylan Reingold opened the floor for nominations for the seat of Vice Chairman of the Indian River County Board of County Commissioners.

Commissioner O'Bryan was nominated by Chairman Flescher for Vice Chairman of the Board. There were no further nominations.

**A motion was made by Commissioner Adams, seconded by Commissioner O'Bryan, to close the floor for nominations for Vice Chairman of the Indian River County Board of County Commissioners. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**A motion was made by Chairman Flescher, seconded by Commissioner Adams, to elect Commissioner O'Bryan as Vice Chairman of the Indian River County Board of County Commissioners. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**

ADDED: Item 10.C.1. Notice of Public Hearing to Amend the 5-Year Capital Improvements Program

**A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Agenda as amended. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**5. PROCLAMATIONS and PRESENTATIONS**

**5.A.**     [20-2122](#)     Presentation of Proclamation For The Source

**Attachments:**   [Proclamation](#)

Commissioner Adams read and presented the Proclamation to Anthony Zorbaugh, Executive Director, The Source, who discussed a new emergency shelter program scheduled to begin in December of 2020.

**Read and Presented**

**5.B.**     [20-2138](#)     Presentation by Elaine McNeal re: Salvation Army Annual Red Kettle Campaign

Chairman Flescher read and presented the Proclamation to Captain Ryan Meo of the Salvation Army who made an appeal for community volunteers and discussed virtual options for donations.

**Read and Presented**

**6. APPROVAL OF MINUTES**

**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**

**7.A.**     [20-2121](#)     Proclamation Honoring Freddie Green on His Retirement From Indian River County Board of County Commissioners Department of General Services / Parks and Recreation Division with Thirty-Four Years of Service

**Attachments:**   [Proclamation](#)

**No Action Taken or Required**

7.B. [20-2118](#) Skilled Trades Virtual Career Fair Flyer

**Attachments:** [Career Fair Flyer](#)

**No Action Taken or Required**

7.C. [20-2119](#) Landfill Closure and Collection Service Changes for the Thanksgiving Holiday

**Attachments:** [Staff Report](#)

**No Action Taken or Required**

7.D. [20-2123](#) Appointment of District 1 Appointee to the Planning & Zoning Commission (P&Z)

**Attachments:** [Commissioner's Memorandum](#)

**No Action Taken or Required**

## 8. CONSENT AGENDA

**A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Consent Agenda as amended, pulling Item 8.A. for discussion. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

8.A. [20-2137](#) Checks and Electronic Payments October 16, 2020 to October 22, 2020

**Attachments:** [Finance Department Staff Report](#)

County Administrator Jason Brown clarified certain issued payments in response to questions from Commissioner Moss.

**A motion was made by Commissioner Moss, seconded by Commissioner Adams, to approve the list of checks and electronic payments issued by the Comptroller's office for the time period of October 16, 2020 to October 22, 2020. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

8.B. [20-2143](#) Checks and Electronic Payments October 23, 2020 to October 29, 2020

**Attachments:** [Finance Department Staff Report](#)

**Approved**

- 8.C.**     [20-2142](#)     Checks and Electronic Payments October 30, 2020 to November 5, 2020  
**Attachments:**   [Finance Department Staff Report](#)  
  
                  **Approved**
- 8.D.**     [20-1989](#)     Award of Bid No. 2020053, Roseland Community Center Building & Site  
                  Improvements, IRC-1855  
**Attachments:**   [Staff Report](#)  
                          [Sample Agreement](#)  
                          [Location Map](#)  
  
                  **Approved staff's recommendation**
- 8.E.**     [20-2125](#)     Approval of Work Order No. EM-1 with GK Environmental, Inc. for Maintenance  
                  of Invasive Vegetation Species at Egret Marsh Stormwater Park  
**Attachments:**   [Staff Report](#)  
                          [Exhibit A](#)  
                          [Attachment A - GKE WO EM-1](#)  
  
                  **Approved staff's recommendation**
- 8.F.**     [20-2127](#)     Approval of Work Order OA-1 with GK Environmental, Inc. for Maintenance of  
                  Invasive Vegetation Species within Osprey acres Floway and Nature Preserve's  
                  Floway and Shallow Marsh Areas  
**Attachments:**   [Staff Report](#)  
                          [Work Order OA-1](#)  
                          [Exhibit A- proposal OA-1](#)  
  
                  **Approved staff's recommendation**
- 8.G.**     [20-2132](#)     Approval of Work Order No. MM-1 with Kimley-Horn and Associates, Inc. for  
                  Structural Design of the Moorhen Marsh Low Energy Aquatic Plant System Redesign  
**Attachments:**   [Staff Report](#)  
                          [Work Order No. MM-1](#)  
                          [Facility Cast-in-Place Structures -Workplan](#)  
  
                  **Approved staff's recommendation**

- 8.H.**     [20-2115](#)     Addendums to Administrative Services Agreements - RX Benefits and Express Scripts effective January 1, 2019, October 1, 2019, and January 1, 2020
- Attachments:**   [Staff Report](#)  
                          [Addendum 01.01.2019](#)  
                          [Addendum 10.01.2019](#)  
                          [Addendum 01.01.2020](#)
- Approved staff's recommendation**
- 8.I.**     [20-2105](#)     Change Order to TLC Diversified, Inc., for the South Reverse Osmosis Odor Control Equipment Replacement
- Attachments:**   [Staff Report](#)  
                          [Change Order to Proposal](#)
- Approved staff's recommendation**
- 8.J.**     [20-2120](#)     Work Order No. 37 - Kimley-Horn and Associates, Inc., IRC Vulnerability Assessment Study
- Attachments:**   [Staff Report](#)  
                          [Work Order No.37](#)
- Approved staff's recommendation**
- 8.K.**     [20-2136](#)     Corrective Resolution for Release of an Easement Located at 3755 9th Street SW
- Attachments:**   [Staff Report](#)  
                          [Proposed Corrective Resolution Releasing Easement](#)
- Approved Resolution 2020-097, correcting the legal description in Resolution 2020-085 releasing an easement located at 3755 9th St. SW.**
- 8.L.**     [20-2126](#)     Resolutions Cancelling Taxes on Properties Purchased for Public Purpose (58th Avenue/37th Street Right-Of-Way from Woodrow Dawsey and Belinda Dawsey, husband and wife; and 58th Avenue Right-Of-Way from Wayne C. McClain and Nancy A. McClain, husband and wife)
- Attachments:**   [Staff Report](#)  
                          [Resolution \(Dawsey purchase\)](#)  
                          [Resolution \(McClain purchase\)](#)
- Approved Resolutions 2020-098 (Dawsey) and 2020-099 (McClain), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.**

**8.M.**     [20-2139](#)     Miscellaneous Budget Amendment 012

**Attachments:**   [Staff Report](#)  
                          [2019 2020 Resolution](#)  
                          [Exhibit "A"](#)

**Approved Resolution 2020-100, amending the Fiscal Year 2019-2020 Budget.**

**8.N.**     [20-2145](#)     Miscellaneous Budget Amendment 001

**Attachments:**   [Staff Report](#)  
                          [2020 2021 Resolution](#)  
                          [Exhibit "A"](#)

**Approved Resolution 2020-101, amending the Fiscal Year 2020-2021 Budget.**

**8.O.**     [20-2146](#)     Award of Bids for Annual Telecommunication Systems Equipment, Material, Supplies, Maintenance, and Installation (Bid 2021003)

**Attachments:**   [Staff Report](#)  
                          [Sample Agreement](#)

**Approved staff's recommendation**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A.**     [20-2140](#)     Clerk of Circuit Court and Comptroller Budget Amendment Request for Fiscal Year 20/21

**Attachments:**   [Budget Amendment Request](#)

Mr. Jeffrey Smith, Clerk of Circuit Court and Comptroller, appeared before the Board to request a budget amendment for Fiscal Year 2020/21 in the amount of \$65,000 for the addition of a new staff position.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Clerk of Circuit Court and Comptroller Budget Amendment request for Fiscal Year 2020/21. The motion carried by the following vote:**

**Aye:**   5 -   Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

## **10. PUBLIC ITEMS**

### **A. PUBLIC HEARINGS**

PROOF OF PUBLICATION FOR THIS PUBLIC HEARING IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD.

**10.A.1. [20-2095](#)** Face Covering Ordinance - LEGISLATIVE

**Attachments:** [Staff Report](#)  
[Draft Face Covering Ordinance](#)

County Attorney Dylan Reingold presented the draft ordinance to extend existing face covering requirements until January 19, 2021. He noted that the new ordinance would no longer have penalties for noncompliance, per Executive Order 20-244 issued by Governor Ron DeSantis.

A discussion ensued among the Board on the draft ordinance, with Vice Chairman O'Bryan proposing an additional penalty for business owners who did not require their employees to wear a mask. There was opposition voiced among the Board regarding penalties for business owners.

The Chairman opened the public hearing.

The following people spoke in favor of the ordinance:

Kathy Brayton  
Heather Manolas  
Dr. Richard Baker  
Tess Whelan (via Zoom)

The following people spoke in opposition of the ordinance:

Nicole Campanelli  
Kris Allen  
Jennifer Pippin  
Thomas Kenny  
Mari Miles  
Ruth Kuvlesky  
Lamarre Notargiacomo  
Alisha Backiano  
Lisa Boisvert  
Bernie Grall  
Dawn Wilkerson  
Cathy Anderson  
Joseph Paladin

There being no further comments, the Chairman closed the public hearing.

The Commissioners entered into discussion with each in turn stating their opinion on the face covering ordinance. County Health Officer Miranda Hawker was called upon to provide statistics on the spread of Covid-19.



The Commissioners then wrapped-up discussion and indicated support of the ordinance as drafted, with the exception of Chairman Flescher whose objections included the impossibility of an enforceable penalty for noncompliance.

**A motion was made by Commissioner Adams, seconded by Commissioner Moss, to adopt Ordinance 2020-017, providing for adoption of recitals; providing for face covering requirements and exceptions; providing for penalties and enforcement; providing for applicability, severability, conflict, sunset date and an effective date. The motion carried by the following vote:**

**Aye:** 4 - Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**Nay:** 1 - Chairman Flescher

The Chairman called a recess at 11:03 a.m., and reconvened the meeting at 11:19 a.m., with all members present.

## **B. PUBLIC DISCUSSION ITEMS**

**10.B.1. [20-2128](#)** Request to Speak from Paul Zelno Regarding Establishing a Higher Safety Standard for the Unborn

**Attachments:** [Public Discussion Request](#)  
[Safe Harbor for Life Ordinance](#)

Paul Zelno, Chairman, Indian River County Victims' Rights Coalition, presented the Board with a signed petition that supported the adoption of a proposed Safe Harbor for Life ordinance.

**No Action Taken or Required**

**10.B.2. [20-2129](#)** Request to Speak from Steve Aden Regarding Constitutional Authority to Enact Pro-Life Legislation

**Attachments:** [Public Discussion Request](#)

Steven Aden, Chief Legal Officer, Americans United for Life, addressed the County's legal authority to enact his organization's proposed Safe Harbor for Life ordinance.

**No Action Taken or Required**

**10.B.3.** [20-2130](#) Request to Speak from Catherine Glenn-Foster Regarding Constitutional Authority to Enact Pro-Life Legislation

**Attachments:** [Public Discussion Request](#)

Katie Glenn, Government Affairs Counsel, Americans United for Life, discussed women's health and the law in connection with her organization's proposed Safe Harbor for Life ordinance.

**No Action Taken or Required**

**10.B.4.** [20-2131](#) Request to Speak from Bonnie Martinelli Regarding Creating Community Awareness of the Pressures of Unplanned Pregnancies

**Attachments:** [Public Discussion Request](#)

Bonnie Martinelli, Executive Director, CareNet Pregnancy Center of Indian River County, shared her clients' experiences with unplanned pregnancies.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

**10.C.1.** [20-2151](#) Notice of Public Hearing Scheduled on December 1, 2020 Concerning County Initiated Request to Amend the 5 Year Capital Improvements Program and Supporting Data and Analysis of the Capital Improvements Element of the Comprehensive Plan. [Legislative]

**Attachments:** [Public Notice Item](#)

County Attorney Dylan Reingold read the notice into the record.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**12. DEPARTMENTAL MATTERS**

- A. Community Development**
- B. Emergency Services**
- C. General Services**
- D. Human Resources**
- E. Information Technology**

## F. Office of Management and Budget

### 12.F.1. [20-2117](#) Recommendation of Award of Bid 2021005 for Alternate Care Site Cots

**Attachments:** [Staff Report](#)  
[IMS Letter of Protest](#)  
[IMS Amended Protest](#)  
[Response to IMS Protest](#)  
[IMS Appeal](#)

Purchasing Manager Jennifer Hyde provided the recommendation of a bid award for alternate care facility cots, as previously authorized by the Board on September 22, 2020 under the Coronavirus Aid, Relief, and Economic Security (CARES) Act spending plan. She provided the analysis which led to staff's recommendation of ProPac, Inc. as the lowest responsible bidder.

Following discussion, Ms. Hyde detailed a protest filed by Integrity Medical Solutions, Inc. (IMS), as well as IMS's subsequent appeal for the Board's consideration. Shaun Taylor, IMS partner, appeared before the Board to defend IMS's appeal regarding the bid specifications and complaints against ProPac's bid.

Under discussion, Commissioner Adams received confirmation that the CARES Act funds would be lost if the County did not take delivery of the cots by December 30, 2020. Emergency Services Director and Fire Chief Tad Stone informed the Board that the minor variance from specifications in ProPac's bid was acceptable, and would not affect the planned usage or storage of the cots.

**A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Earman

**Nay:** 1 - Commissioner Moss

## G. Public Works

- 12.G.1. [20-2104](#) Designation of Trane U.S. Inc., as Sole Source Provider for Installation of Bi-Polar Ionization System

**Attachments:** [Staff Report](#)

[Trane Proposal for the Courthouse](#)

[Trane Proposal for Buildings A & B](#)

[Trane Proposal for the EOC](#)

[Trane Proposal for the IG Recreation Facility](#)

[Statement Regarding Lobbying](#)

Public Works Director Rich Szpyrka appeared before the Board to request approval for installation of a Bi-polar Ionization air purification system in county buildings. Director Szpyrka explained the rationale for designating Trane US Inc. (Trane) as the sole source provider, and noted that the funding for the system would be made available through the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

Discussion ensued regarding the system's benefits and the proprietary nature of Trane's technology.

**A motion was made by Commissioner Earman, seconded by Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

The Chairman called a recess at 12:19 p.m., and reconvened the meeting at 12:28 p.m., with all members present.

## H. Utilities Services

## 13. COUNTY ATTORNEY MATTERS

**13.A.** [20-2135](#) Indian River County Committees - Member Reappointments

**Attachments:** [Staff Report](#)  
[Committee Members Term Renewal - 2021](#)  
[Vacancies List \(Term Exp 2021\) - Info Only](#)  
[Non-Renewal Vacancies List - Term Exp 2021](#)

County Attorney Dylan Reingold presented for the Board's approval a list of all committee members who requested reappointment for 2021. Chairman Flescher noted that any vacancies would be posted to be filled no later than January 15, 2021.

Under discussion, Commissioner Moss noted a correction to the spelling of Sean Sexton's name.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the list of committee members requesting reappointment. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**14. COMMISSIONERS MATTERS**

- A. Commissioner Susan Adams**
- B. Commissioner Joseph E. Flescher**
- C. Commissioner Joseph H. Earman**
- D. Commissioner Peter D. O'Bryan**
- E. Commissioner Laura Moss**

**14.E.1.** [20-2147](#) Creation of an Area of Native/Florida Friendly Plants

**Attachments:** [Commissioner's Memo](#)

Commissioner Moss opened discussion regarding setting aside an area of the County Administration Building's grounds to showcase native plants. Dr. Richard Baker, President of the Pelican Island Audubon Society, spoke on the ecological benefits of replacing turf with native vegetation.

The Commissioners asked questions and offered their critique of the idea. Commissioner Moss indicated she would return to the Board with a more detailed plan.

**No Action Taken or Required**

**15. SPECIAL DISTRICTS AND BOARDS****A. Emergency Services District**

The Board of County Commissioner reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

**B. Solid Waste Disposal District**

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Solid Waste Disposal District meeting minutes of July 15, 2020 (Budget Workshop), August 18, 2020, September 15, 2020, and September 16, 2020 (Preliminary Budget Hearing) as written. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**15.B.1. [20-2085](#)** Approval of Budget Workshop Minutes July 15, 2020

**Attachments:** [07152020SWDD Budget Workshop Draft](#)

**Approved**

**15.B.2. [20-2076](#)** Approval of Minutes Meeting August 18, 2020

**Attachments:** [08182020SWDD Draft](#)

**Approved**

**15.B.3. [20-2088](#)** Approval of Minutes Meeting of September 15, 2020

**Attachments:** [09152020SWDD Draft](#)

**Approved**

**15.B.4. [20-2111](#)** Approval of Minutes Preliminary Budget Hearing of September 16, 2020

**Attachments:** [09162020SWDD PrelimBdgt Draft](#)

**Approved**

**15.B.5. [20-2133](#)** Change Order No. 1 to Summit Construction of Vero Beach, LLC

**Attachments:** [Staff Report](#)  
[Summit Construction Change Order No 1](#)

There was no discussion regarding this item.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**15.B.6. [20-2134](#)** Work Order No. 39 to Kimley-Horn for the Solid Waste Disposal Annual Financial Reports

**Attachments:** [Staff Report](#)  
[Work Order No 39-KHA](#)

There was no discussion regarding this item.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 12:53 p.m.